

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PETER K. KIJEWSKI,

Plaintiff

-v-

TIAA, et al.,

Defendants.

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25-CV-01779 (JAV) (SDA)

ORDER

JEANNETTE A. VARGAS, United States District Judge:

On May 9, 2025, Defendants Mitchell Y. Cohen, Esq. and Maureen A. Dunn, Esq. filed a motion to dismiss the complaint under Rules 8, 9 and 12(b) of the Federal Rules of Civil Procedure. On May 14, 2025, Defendant the Vanguard Group, Inc. filed a motion to dismiss the complaint under Rules 8 and 12(b) of the Federal Rules of Civil Procedure.

Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

It is hereby ORDERED that, Plaintiff shall file any amended complaint by **June 17, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

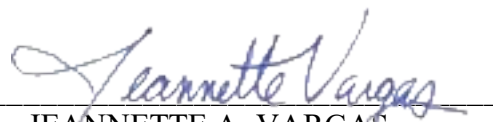
If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendants shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that they rely on the previously filed motion to dismiss. If Defendants file an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss or indicate that they rely on their previously filed motion to dismiss, any opposition shall be filed by three (3) weeks after the new motion to dismiss if filed, and any reply shall be filed within one (1) week of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motions to dismiss by **June 17, 2025**, and Defendants shall file any replies by **June 24, 2025**.

SO ORDERED.

Dated: May 27, 2025

New York, New York

  
JEANNETTE A. VARGAS  
United States District Judge